

Application No. 09/648,102
Attorney Docket No. JDC-001-US
Resp To July 7, 2003 Office Action

REMARKS

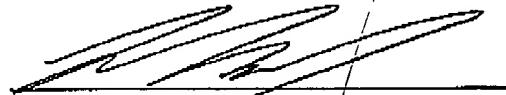
Claims 1-27, 36-45, 47, 48 and 50-58 are currently pending. Claims 1-10, 12-13, 16-23, 25, 27, 38, 40-45, 47-48 are rejected under 35 U.S.C. §102(e) as being anticipated by March, US Patent Application Pub No. US2002/0016763 A1. Claims 11, 14-15, 24, 26, 36-37 and 39 are rejected under 35 U.S.C. §103 as being unpatentable over March.

In light of the attached declarations of Jonathan Cooper and Frances M. Dale under CFR 1.131, the March reference does not qualify as prior art under §102(e). March has a priority date of June 6, 2000. While Applicant's filing date is August 25, 2000, the attached declarations demonstrate Applicant has an invention date before June 6, 2000 and was diligent at least up until the August 25, 2000 filing date. Accordingly, Applicant respectfully requests withdrawal of the pending rejections.

Given that the rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103 have been rendered moot as the March reference does not constitute prior art, Applicant believes that the pending claims are allowable, and respectfully requests a Notice of Allowance for this application. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Further, please note that the claims 6-7, 12-13, 15, 19-20, 36-38, and 42-44 are hereby amended to correct a couple of purely typographical errors and thus the amendments are unrelated to patentability.

Respectfully submitted,


Mitchell Rosenfeld
Reg. No: 36,258

DATE: October 16, 2003

Correspondence Address:
Capstone Law Group LLP
1810 Gateway Drive, Suite 260
San Mateo, CA 94404
Customer No. 31955
(650) 577-4500

OFFICIAL
RECEIVED
CENTRAL FAX CENTER

OCT 17 2003